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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,613	02/25/2002	Jordi Parramon	AB-174U	4464
23845	7590	06/01/2005	EXAMINER	
ADVANCED BIONICS CORPORATION			DEBERADINIS, ROBERT L	
25129 RYE CANYON ROAD				
VALENCIA, CA 91355			ART UNIT	PAPER NUMBER

2836

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,613	PARRAMON ET AL.	
	Examiner Robert DeBerardinis	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,10,11,14,15 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,10,11,14, 21 is/are rejected.
- 7) Claim(s) 15 and 22-25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

The reply filed 3/11/05 consists of amending claims 1, 10, cancellation of claims 9, 12, 13, 16-20 and remarks related to rejection of claims.

Response to Arguments

Applicant's arguments, see page 6, third paragraph, filed 3/11/05, with respect to the rejection(s) of claim(s) 1 under MITCHELL have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of HERBERT 6,121,761.

Applicant amended claim 1 to include the limitation "...a switched capacitor circuit comprising a multiplicity of switched capacitors, wherein the in-parallel multiplicity of switched capacitors are chargeable from the power source, and the multiplicity of switched capacitors are disconnectably connected in series."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 11, 14, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by HERBERT 6,121,761.

Regarding claims 1-8, 10, 11, 14, 21.

HERBERT discloses a power source (103) providing a source of voltage; Means for processing the source to generate an output voltage at a Vout node, wherein the output voltage varies the source voltage; and a multiplicity of energy storage devices adapted to individually controllably receive energy the Vout node (figure 7); wherein the means for processing comprises a switched capacitor circuit comprising a multiplicity of switched capacitors, wherein the multiplicity of switched capacitors are disconnectably connectable in parallel, wherein the in parallel multiplicity of switched capacitors are charged from the power source, and the multiplicity of switched capacitors are disconnectably connectable in-series.

Regarding claim 4.

HERBERT teaches a diode (Cr) and a Vh node (figure 12).

Regarding claims 5, 14.

HERBERT discloses a fast transition power supply having a source (V).

HERBERT does not disclose a battery.

A battery however, is an inherent dc source.

Regarding claims 6, 7, 8.

HERBERT discloses wherein the means for processing comprises a switching regulator comprising: an inductor; and a first switch; wherein the inductor is electrically connected between the source voltage and the Vout node, and wherein the first switch is electrically connected between the Vout node and ground (figure 12).

Allowable Subject Matter

Claims 15, 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a multiplicity of Vc nodes and a multiplicity of switches each electrically connected between a Vc node and a multiplicity of stimulation channels.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Robert L. DeBerardinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

MAY 24, 2005



ROBERT L. DEBERARDINIS
PRIMARY EXAMINER